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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JAMES PHILIP DOUGLAS,
11 Plaintiff,

12 v.

13 RON VAN BOENING, *et al*,
14 Defendants.

Case No. C08-5608RJB

ORDER ON PLAINTIFF'S
MOTION FOR
RECONSIDERATION

15 This matter comes before the Court on Plaintiff's Motion for Reconsideration. Dkt. 26. The
16 Court has considered the relevant documents and the remainder of the file herein.

17 On June 19, 2009, the Court entered an Order adopting the Report and Recommendation of the
18 Magistrate Judge. Dkt. 22. The case was dismissed, and the action was terminated pursuant to 28 U.S.C.
19 § 1915(e), and counted as a dismissal under 28 U.S.C. § 1915(g). *Id.* The facts of this case are contained
20 in the Report and Recommendation and Order adopting the Report and Recommendation and are adopted
21 here.

22 On June 19, 2009, after the Order dismissing the case had been entered, the Court received a
23 document captioned Motion to Amend Pleadings; To Show Cause and Dismissal. Dkt. 23. On June 23,
24 2009, the Court considered the Plaintiff's pleading, and concluded that the Order adopting the Report and
25 Recommendation should be affirmed. Dkt. 24.

26 On June 26, 2009, the Court received Plaintiff's Motion for Reconsideration. Dkt. 26. Plaintiff
27 asks the Court to reconsider the Order adopting the Report and Recommendation as his Motion to Amend
28 Pleadings; To Show Cause and Dismissal must have been in the mail when the Report and

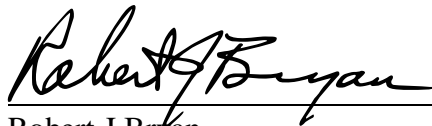
1 Recommendation was being considered. As the Court addressed Plaintiff's pleading entitled Motion to
2 Amend Pleadings; To Show Cause and Dismissal, and concluded that the Order adopting Report and
3 Recommendation should be affirmed, Plaintiff's Motion for Reconsideration (Dkt. 26) should be stricken
4 as moot.

5 Therefore, it is hereby **ORDERED** that:

- 6 • Plaintiff's Motion for Reconsideration (Dkt. 26) is **STRICKEN AS MOOT**. The Court's June
7 19, 2009 Order dismissing the case pursuant to 28 U.S.C. § 1915(e) and 28 U.S.C. § 1915(g) is
8 **AFFIRMED**.

9 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
10 party appearing *pro se* at said party's last known address.

11 DATED this 2nd day of July , 2009.

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16 Robert J Bryan
17 United States District Judge
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